

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2473 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the fair copy of the judgement?

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

DIVISIONAL CONTROLLER

Versus

HIMATLAL G RAVAL

Appearance:

MR KN RAVAL for Petitioner

MR HK RATHOD for Respondent No. 1

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 19/03/98

ORAL JUDGEMENT

1. The ST Corporation is aggrieved by the judgment and award of the Labour Court directing reinstatement of the respondent- Conductor with full back wages. The allegations against him were that he had collected the fare from some of the passengers and not issued tickets.

2. In this petition, though rule was issued and interim relief was granted on 1.5.1989, it has been

pointed out by the learned advocate for the respondent that in November 1989, the petitioner had already been reinstated. After almost ten years, this petition is futile to consider the question of upsetting that reinstatement.

3. As far as back wages are concerned, the Labour Court has awarded back wages from the date of dismissal in January 1981 till the date of reinstatement in 1989. The dispute was raised and reference was made after two years. It is not possible to believe that for all these eight years, the workman had remained totally unemployed.

4. Having regard to the facts and circumstances of the case and the delay in raising the dispute, the award regarding full back wages is modified and it is directed that the workman will be entitled to 50% of the back wages. The respondent- Corporation is directed to pay 50% of the back wages within three months from today.

Rule made absolute accordingly.

mhs/-